

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN THOMAS TELLO,

Petitioner,

v.

**NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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Civil Action No. **3:07-CV-0535-L**

ORDER

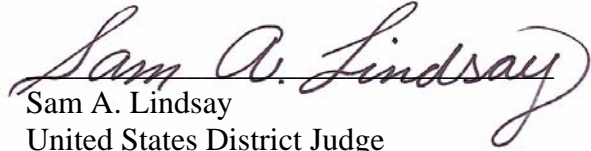
Before the court are the Findings, Conclusions and Recommendations of the United States Magistrate Judge, filed September 13, 2007. Petitioner filed a document titled “Tello’s Thoughts Responsive to the Magistrate’s Findings and Recommendations” on September 25, 2007. The court treats this document as Petitioner’s objections.

This is a habeas petition filed pursuant to 28 USC § 2254. Magistrate Judge Wm. F. Sanderson, Jr. found that the petition should be dismissed without prejudice for Petitioner’s failure to exhaust state court remedies. Petitioner acknowledges that “[t]here has been no state habeas activity,” but files his “thoughts” as a “request for extension, modification, or reversal of current law.” To the extent that Petitioner acknowledges that he has failed to exhaust state remedies, the court **overrules** his objections. The court also determines that Petitioner has failed to cite to any case law or facts that would warrant finding an exception to the exhaustion requirement in this case.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge’s findings and conclusions are therefore **accepted** as those of the court. The court

therefore **dismisses with prejudice** the writ of habeas corpus for failure to exhaust state court remedies.

It is so ordered this 28th day of September, 2007.


Sam A. Lindsay
United States District Judge